THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16324 of 2006
Date: 04-08-2006

Between:
Mrs.Afsar Ziauddin @ Mariam Tahera Banu Petitioner

And

The Municipal Corporation of Hyderabad and another

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16324 of 2006

ORDER:

1. The writ petition is filed for a Writ of Mandamus declaring the action of respondents pursuant to the proceedings No.RW/ACP/C5/MCH/2006 dated 07-07-2006, without considering the objections dated 19-7-2006 and the attempts of the respondents to demolish the existing structure on Premises No.7-1-22/3, situate at Green Lands, Begumpet, Hyderabad, as illegal, unjust, arbitrary, contrary to law and in violation of Article 300 (A) of Constitution of India and the provisions of Land Acquisition Act, and the Municipal Corporation of Hyderabad Act, in the interest of justice and pass such other suitable orders.

2. It is stated by the petitioner that he is the absolute owner of the land admeasuring 1,018 square yards out of the Premises No.7-1-22/3, Begumpet, Hyderabad. Notice under Section 6 of the Land Acquisition Act was issued for an area of 34.68 square yards and 57.40 square yards. It is also stated that on 04-01-1999 permission was accorded for construction of cellar for parking, ground floor for showrooms and parking, Mezzanine and 1st to 4th floor for offices. The petitioner also had referred to the proceedings dated 07-07-2006 and would submit that objections were filed on 19-7-2006 . The respondents without considering the objections and without following the proceedings of the Land Acquisition Act and the proceedings under Section 146 and 147 of the Hyderabad Municipal Corporation Act, had put marking on the premises for demolition. The said action is impugned. It is needless to say that the respondents are expected to follow the due process of law for initiating the demolition activity. It is

needless to say that the respondents may follow the procedure as contemplated under Section 146 and 147 of Hyderabad Municipal Corporation Act. Unless and until they follow due process of law, the demolition activity cannot be further proceeded with.

3. In view of the same, the writ petition is disposed of with a direction not to proceed with any demolition activity unless and until the respondents follow due process of law. No order as to costs.

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04-08-2006

Stp